

### REMARKS

An Office Action was mailed on October 16, 2003. Claims 9, 10 and 13-18 are pending. Claims 9, 10 and 13-18 are now rejected under 35 U.S.C. §103(a) as being unpatentable over *Vuong et al.* (U.S. Patent 5,762,552) in view of *Trovato* (U.S. Patent 6,183,364). Reconsideration is respectfully requested in view of the above amendments and remarks to follow.

The Examiner asserts that *Vuong et al.* discloses a distributed gaming system comprising a server and a plurality of gaming consoles (See *Vuong Fig. 1: col. 4 lines 12-13*) A game platform interface comprises platform code running on the server and console platform code running on each gaming console (See *Vuong col. 6 lines 9-40*). For example, the gaming machine that is considered the server has its own platform code just as each individual player terminal runs its own platform code.

However, in *Vuong* there is no reference to platform codes or anything resembling a piece of platform code as intended in the context of the claims under consideration. It can be assumed of course that there is the program in each of the gaming machines of *Vuong*, that operates the respective gaming machines and this might be referred to as platform code in that it is code running on the gaming machine hardware platform to perform functions of the gaming machine. This code does not perform the functions claimed however, as will be discussed below.

The Examiner further asserts that *a plurality of game programs are stored on the server and are selectable by the player operating one of the consoles.* (See *Vuong col. 9 lines 5-8*). However, the passage of *Vuong* referenced by the Examiner describes the selection of a game Table (physical casino table such as a roulette table) or a gaming machine to act as a game server. There is no suggestion that there are a plurality of games stored on a server.

The Examiner then asserts that *the server platform code located in and running on the server functions to transfer, i.e. distribute, at least one item of the game to the console on which the respective game has been selected to be played by a player.* However, the one item to which the Examiner refers is an outcome. This is hardly comparable with the transfer of a functional program module as claimed in the claims under consideration.

The Examiner further asserts that *the server is only permitted to interact with program code via functions provided by the execution of the server platform code. The console platform code operating on the console functions to execute the at least one program transferred to the console to provide a game function on the console for play by a player.* It is **not at all** clear how the Examiner comes to these conclusions with regard to Vuong. An outcome is a number or a series of numbers that define a game result. Alternatively an outcome might be an image showing the final state of a game. In particular, as mentioned above, there is **no suggestion** in Vuong that a program is transferred from the server to the console.

The Examiner then asserts *furthermore, the program includes a combinations program and a graphics/audio program where in execution of the combinations program to determine a game outcome is performed on the server as a function provided by execution of the server platform code. A graphics/audio program file is disturbed to the consoles for execution as a function of execution of the respective console (See Vuong col. 6 lines 9-40). For example, the server determines a game outcome via the combinations program and transfers the game outcome along with audio and visual files to the console so that the player may view the game and outcome directly.* There is no doubt that Vuong contemplates some form of outcome determination though in the case of a game table this could not be considered to be a combinations program. In any event, there is **no suggestion** in Vuong that the outcome determination is achieved in a separate program executed by the server platform code. Vuong discusses distribution of digital video and audio information but **not** a graphics /audio program. The Examiner has **conveniently** interpreted the word program here to mean a compilation of images and sounds rather than a computer program to generate a video image and audio output in response to a player playing a game on the console. It is **not reasonable** to give "program" different meanings within the claims.

The Examiner continues - *Furthermore, a plurality of functional program files are saved on the server and each of the functional program codes provide the same functions for a different one of the games (See Vuong col. 9 lines 5-26). For example, multiple game outcomes can be stored on the server and are then provided to the consoles to illustrate the outcome of the game*

played. The passage referred to by the Examiner contains nothing that remotely suggests that the Server stores a plurality of games. In fact the specification talks about selecting a game table or gaming machine to act as a server. The actual server changes each time a player chooses a new game and programs are not transferred anywhere. Further it seems that the video and audio information transmitted to the players gaming machine (console) is live feed from a gaming table and not representative of game outcomes stored and then provided to the consoles.

Finally the Examiner asserts with regard to Vuong that *it would have been obvious at the time the invention was made for the function to be a currency type and/or denomination function, which includes a graphical representation of a currency symbol. Vuong clearly discloses taking wagers from players in monetary amounts (See Vuong col. 9 lines 8-13). Hence it is obvious to provide a programming module to handle wagers in the game. It is well known throughout the art to display a player's wager on the game display as a graphical-representation of a currency symbol. By displaying to a player his wager, the player visually knows how much they are willing to risk in game play. Vuong et al. lacks in specifically disclosing that the game program comprises a plurality of functional program modules. All gaming machines of course include some method of accepting a wager and typically the wager is also displayed. However claims 16 and 18 refer to a functional module in which the function is a currency type and denomination function whereby downloading different modules allows the player to play in different currencies or denominations. This is not anticipated or rendered by Vuong. To ensure that this meaning is clearly conveyed by the claims an amendment is proposed to clarify claims 16 and 18 as set forth herein.*

With regard to Trovato the Examiner asserts that *Trovato teaches of an electronic game in which each game program comprises a plurality of separate functional program modules which when executing are arranged to interact with each other only via functions provided by execution of the platform interface (See Trovato col. 2 lines 36-41; col. 3 lines 4-25; Fig. 2b). It is well known throughout the art that game programs are broken up into a plurality of modules that interact with each other for the purpose of executing an overall program. By dividing up programs into modules, the program becomes more manageable and able to be amended or corrected easily. Consequently, it would have been obvious to*

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*one of ordinary skill in the art to incorporate programming modules into the game of Vuong. By having the code be divided up into modules, the program is more manageable and easier to implement.* The Examiner is correct in saying that it is known to modularize a program for ease of writing and correction. However Trovato does not envisage use in a gaming machine of a multi-part program where program modules may be selected to play different games on a single console and that these components may be transferred from a server to facilitate game play on the console. Nor does Trovato anticipate modules that are executed via a platform interface. Trovato describes a type of video game played on personal computers in which the player creates a simulation of a city. This game is quite removed from the type of games played on gaming machines in which a player stakes a bet and then plays a relatively short game of chance in which the outcome determines whether the player wins a prize. Applicant respectfully submits that even if the disclosure in Trovato were relevant, this is not a document that one skilled in the art would refer to and it would not be obvious to combine the disclosures of Trovato and Vuong.

Thus, Applicant respectfully disagrees with the Examiner that the Trovato and Vuong references alone or in combination teach or suggest the claimed invention for the many reasons noted above, and Applicant respectfully submits that a prima facie case of obviousness has not been successfully established. Applicant further respectfully submits that there is no suggestion of the desirability to combine the Vuong and Trovato references as set forth by the Examiner, nor is there any motivation demonstrated in either of the references to combine them, nor is there any suggestion in either reference to adapt their structures to the unique construction of the present invention.

Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections under 35 U.S.C. §103(a).

The Examiner also makes the following prior art of record:

*1. Schneier et al., U.S. Patent No. 6,099,408: Schneier et al. discloses a distributed gaming system in which the game outcomes are determined in a central computer and then transmitted to the player via a network interface.*

Schneier discloses a method of improving security in a gaming machine by generating one random number at a server and another at a console and after securely transferring the random numbers they are combined in the console and used to determine an outcome. This is not particularly relevant to the present invention.

*2. Goldberg et al., U.S. Patent No. 5,823,879: Goldberg et al. discloses the use of gaming modules in the central computer and the modules are transmitted to the local gaming stations.*

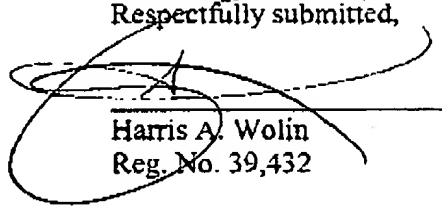
Goldberg does not disclose the transmission of program modules to a console but rather it discloses the serving of display pages. This is significantly different to the idea conveyed in the claims under review and Applicant respectfully submits that the claimed invention is not obvious in the light of this disclosure when combined with any one or more of the other prior art documents relied upon.

For the foregoing reasons, reconsideration is respectfully requested.

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 9, 10 and 13-18, consisting of independent claims 9 and 13 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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